

C. Remarks

The claims are 1-11 and 14-33, with claims 1 and 31 being independent. Claims 1 and 31 have been amended to address section 112 issues. Claim 7 has also been amended to address a section 112 issue. Support for the amendment of claim 7 may be found, inter alia, in the specification at page 14, lines 6 and 7. No new matter has been added. Reconsideration of the present claims is expressly requested.

Claims 1-11 and 14-33 stand rejected under 35 U.S.C. § 112, first paragraph, for the alleged lack of enablement in connection with the recitation of an inorganic ester. The Examiner has alleged that the specification does not reasonably provide enablement for all inorganic ester type radicals that contain oxygen. The Examiner only deemed nitrates to be enabled.

Applicants note that inorganic esters as defined in the specification, of which there would be a limited amount, are well-known in the art and persons of skill in the art would readily know what these esters are and make an appropriate selection based on the general disclosure in the specification and the knowledge in the art. However, solely to expedite prosecution, the independent claims have been amended to limit the specifically recited inorganic esters to nitrate inorganic esters. Accordingly, the above rejection should be withdrawn.

Claims 1-11 and 14-33 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Specifically, the Examiner alleged that a ketone recited in claim 1 is a compound rather than a functional group and requested clarification. Also, the Examiner objected to the phrase “sparsely branched” in claim 7.

With respect to the ketones, claims 1 and 31 have been amended to state that the functional group is a “keto” group. Since Applicants can be their own lexicographer and the ketone (keto) group is clearly defined in the specification, for

example, at page 17, line 28 - page 18, line 3, it is respectfully submitted that the recitation in the claims complies with 35 U.S.C. § 112, second paragraph.


With respect to claim 7, this claim has been amended by replacing the phrase "sparsely branched" with "have one side chain", as recited in the specification at page 14, lines 6 and 7.

Wherefore, in view of the above amendments and remarks, withdrawal of all rejections is respectfully requested.

There being no other rejections or objections, Applicants respectfully request that the present case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Jason M. Okun
Attorney for Applicants
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 512123v1